

MOTION TO RECUSE AND DISQUALIFY JUSTICE

DORIS HENRIETTE YEMBE

2015



PRO SE MOTION

NOTICE OF MOTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DORIS HENRIETTE YEMBE
AGAINST
UNITED STATES OF AMERICA

NOTICE OF MOTION

1:14 CV 05693-RJD

PLEASE TAKE NOTICE that upon the annexed affidavit or affirmation

Doris Henriette Yembe sworn to affirmed September 1st 2015 and upon the complaint herein, plaintiff will move this court, Raymond J. Dearie, U.S.D.J.,

In Cadman Plaza East, United States District Courthouse, Brooklyn, New York, 11201 on the 1st of September 2015, for an order pursuant to

28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge granting a Motion to Recuse

Due to:

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) *Where he has a personal bias or prejudice concerning a party*, or personal knowledge of disputed *evidentiary facts concerning* the proceeding.

Dated : Palm Beach, Florida

September 1st 2015.

Doris Henriette Yembe

PRO SE

2840 S OCEAN BLVD UNIT 209

PALM BEACH ,FLORIDA ,33480

AFFIDAVIT/AFFIRMATION
IN SUPPPORT OF MOTION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Doris Henriette Yembe, (BEING DULY SWORN) deposes and says, I am the defendant on above cited case, and respectfully move to this court to issue an order to recuse and disqualify JUDGE RAYMOND J DEARIE to further proceed in above cited case for cause of prejudice.

Such prejudice creates a conflict of interest with said judicial duty of impartiality therefore disqualifies above cited judge.

See below Docket Entry in support of said statement.

U.S. District Court
Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 8/12/2015 at 5:02 PM EDT and filed on 8/12/2015

Case Name: United States of America v. Real Property and Premises Located at 2840 South Ocean Boulevard, Apartment No. 209 and Parking Space No. 166, Palm Beach, Florida 33480

Case Number: [1:14-cv-02693-RJD](#)

Filer:

Document
Number: No document attached

Docket Text:

ELECTRONIC ORDER re [17]: By order dated August 6, 2015, I denied the government's motion for an interlocutory sale of the subject property without prejudice. I did not dismiss this case. The government can, and likely will, renew its motion to sell the property by September 2, 2015. In the meantime, the parties must comply with the pretrial requirements, including discovery obligations, set forth in the Federal Rules of Civil Procedure. Ms. Yembe would be well advised to engage in the litigation process, and comply with her discovery obligations, **without drama or exaggeration**. To the extent discovery disputes arise, the parties should bring those to Magistrate Judge Reyes. The Court is unavailable on August 21, 2015, and will see the parties, as previously scheduled, on October 2, 2015, at 12:00 p.m. Ordered by Judge Raymond J. Dearie on 8/12/2015. (Landsman-Roos, Nick)

The statement: without drama or exaggeration shows prejudice and discrimination associated to a personal statement that is based on the defendant personal character in correlation with statement made in August 6th hearing about the defendant emotional trauma and mental health condition.

Furthermore, the defendant was incarcerated from April 29 2014 until June 30 2015. During this time Judge Raymond J Dearie violated the defendant 6th Amendment right to access the court, and has proceeded with civil proceeding without notice , communication with said defendant. A motion was filed by the defendant in March 2015, however was ignored by said Judge.

Upon dismissal of Criminal case 14-MJ-403 which caused for above cited case

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Magistrate Judge Robert M Levy communicated with Judge Raymond J Dearie to obtain a hearing which was ignored for over 30 days until defendants contacted chambers and insisted on her right to be honored and the August 6th 2015 phone conference was scheduled.

Judge Raymond J Dearie, violated the right of accessing the court by allowing motions to be filed, on a Forfeiture case that had no judgement on the criminal proceeding, and has authorized several docket entry without notice to the defendant , without hearing subsequently, once hearing was granted,

On Records Judge Raymond J Dearie advised the defendant that he would make himself available within the same business day for a requested conference to address additional concern, however, in response to a conference request, the docket entry above was made.

For above cited reason, the above cited Judge shall be disqualified or prejudice causing conflict on interest in an impartial decision being made for prompt and fair disposition on above cited case.

Please refer to docket sheet and minutes of August 6 2015 for reference and evidence to validate and corroborate said statements.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 1st 2015

 signature

Doris Henriette Yembe

CC: Chief Judge Carol Bagley Amon

CC: Complaint JUDICIAL CONFERENCE OF THE UNITED STATES
COMMITTEE ON JUDICIAL CONDUCT AND DISABILITY

CC: CANADIAN CONSULATE